

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
United States District Judge
v. : Crim. No. 05-
JAMES M. CUMMINGS, JR. : 18 U.S.C. §§ 666, 1951(a)
and 2

INDICTMENT

The Grand Jury, in and for the District of New Jersey,
sitting at Newark, charges that:

COUNTS 1-4

**(Cummings Solicits and Accepts
Corrupt Payments from Paint Smart)**

Defendant, Individuals and Entities

1. From in or about 1998, to in or about March 2003, defendant JAMES M. CUMMINGS, JR. was employed as the Director of Facilities for the Paterson Public School District (the "District"). As the Director of Facilities, defendant JAMES M. CUMMINGS, JR. was responsible for, among other things, approving District construction and maintenance contracts and recommending which contracts should be renewed by the District. From in or about 1999 to in or about 2002, defendant JAMES M. CUMMINGS, JR. was constructing a private residence located in Sussex County, New Jersey (the "private residence").

2. At all times relevant to this Indictment:

a. Jose Logrecco ("Logrecco") was the President of Paint Smart Contractor, Inc. ("Paint Smart"), a commercial

painting business based in Nutley, New Jersey. Charles Paraboschi ("Paraboschi") was the Vice President of Paint Smart. From in or about September 2000, to in or about 2001, Paint Smart billed the District in excess of approximately \$250,000 for painting and related services that it performed for the District.

b. The District was a local government agency that received federal assistance in excess of \$10,000, during the relevant one-year periods.

3. From in or about September 2000, to in or about April 2001, in Passaic County, in the District of New Jersey and elsewhere, defendant

JAMES M. CUMMINGS, JR.

did knowingly, willfully, and corruptly accept, and agree to accept things of value detailed below from Paint Smart with intent to be influenced and rewarded in connection with a business, transaction, and series of transactions of the District involving a thing of value of \$5,000 and more - - specifically, accepting cash payments in exchange for defendant JAMES M. CUMMINGS, JR. exercising decision-making authority in favor of Paint Smart:

COUNT	DATE	CONDUCT
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1	On or about September 27, 2000	accepting and agreeing to accept approximately \$25,000 from Charles Paraboschi and Jose Logrecco in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor
2	On or about November 16, 2000	accepting and agreeing to accept approximately \$10,000 from Charles Paraboschi and Jose Logrecco in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor
3	On or about November 30, 2000	accepting and agreeing to accept approximately \$10,000 from Charles Paraboschi and Jose Logrecco in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor
4	On or about April 10, 2001	accepting and agreeing to accept approximately \$5,000 from Charles Paraboschi and Jose Logrecco in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor

In violation of Title 18, United States Code, Sections 666(a)(1)(B) and 2.

COUNTS 5-6

**(Cummings Solicits and Accepts
Corrupt Payments from Olympic Windows)**

1. Paragraphs 1 and 2(b) of Counts 1-4 of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. Carl Babb ("Babb") was the principal operator of Olympic Window Installers, Inc. ("Olympic Windows"), a window installation and construction business based in Hawthorne and Paterson, New Jersey. From in or about September 2000, to in or about 2001, Olympic Windows billed the District approximately \$2.7 million for construction work and services that it claimed to have performed for the District.

3. From in or about November 2000, to in or about May 2001, in Passaic County, in the District of New Jersey and elsewhere, defendant

JAMES M. CUMMINGS, JR.

did knowingly, willfully, and corruptly accept, and agree to accept things of value detailed below from Olympic Windows, with intent to be influenced and rewarded in connection with a business, transactions, and a series of transactions of the District involving a thing of value of \$5,000 and more - - specifically, accepting construction-related services and materials for defendant JAMES M. CUMMINGS JR.'S private residence

in exchange for exercising his decision-making authority in favor of Olympic Windows:

COUNT	DATES	BENEFIT
5	In or about November 2000	accepting and agreeing to accept from Carl Babb a front door and its installation, valued at approximately \$6,000, for defendant JAMES M. CUMMINGS, JR.'s private residence in exchange for exercising, and agreeing to exercise, official action and influence in Olympic Windows' favor
6	In or about May 2001	accepting and agreeing to accept from Carl Babb the furnishing and installation of sheet rock, valued at approximately \$22,000, for defendant JAMES M. CUMMINGS, JR.'s private residence in exchange for exercising, and agreeing to exercise, official action and influence in Olympic Windows' favor

In violation of Title 18, United States Code, Sections 666(a)(1)(B) and 2.

Counts 7-10

(Cummings' Extortion Under Color of
Official Right (Paint Smart))

1. Paragraphs 1 and 2 of Counts 1-4 of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On the dates listed below, in Passaic County, in the District of New Jersey, and elsewhere, defendant

JAMES M. CUMMINGS, JR.

did knowingly and willfully obstruct, delay and affect interstate commerce by extortion with consent under color of official right as follows:

COUNT	DATES	CONDUCT
7	On or about September 27, 2000	accepting and agreeing to accept \$25,000 from Charles Paraboschi and Jose Logrecco with their consent, in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor
8	On or about November 16, 2000	accepting and agreeing to accept \$10,000 from Charles Paraboschi and Jose Logrecco with their consent, in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor
9	On or about November 30, 2000	accepting and agreeing to accept \$10,000 from Charles Paraboschi and Jose Logrecco with their consent, in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor

10	On or about April 10, 2001	accepting and agreeing to accept \$5,000 from Charles Paraboschi and Jose Logrecco, with their consent, in exchange for exercising, and agreeing to exercise, official action and influence in Paint Smart's favor
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In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNTS 11-12

(Cummings' Extortion Under Color of
Official Right (Olympic Window))

1. Paragraph 1 of Counts 1-4 and paragraph 2 of Counts 5-6 of this Indictment are hereby incorporated and realleged as if fully set forth herein.

2. On or about the dates listed below, in Passaic County, in the District of New Jersey, and elsewhere, defendant

JAMES M. CUMMINGS, JR.

did knowingly and willfully obstruct, delay and affect interstate commerce by extortion with consent under color of official right, as follows:

COUNT	DATES	BENEFIT
11	In or about November 2000	accepting and agreeing to accept from Carl Babb, with his consent, a front door and its installation, valued at approximately \$6,000, for defendant JAMES M. CUMMINGS, JR.'s private residence in exchange for exercising, and agreeing to exercise, official action and influence in Olympic Windows' favor
12	In or about May 2001	accepting and agreeing to accept from Carl Babb, with his consent, the furnishing and installation of sheet rock, valued at approximately \$22,000, for defendant JAMES M. CUMMINGS, JR.'s private residence in exchange for exercising, and agreeing to exercise, official action and influence in Olympic Windows' favor

In violation of Title 18, United States Code, Sections
1951(a) and 2.

A TRUE BILL

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY